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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

MURRAY MCDONALD

Plaintiff,

V.

TRAVELERS LLOYDS OF TEXAS  
INSURANCE COMPANY

Defendant

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CIVIL ACTION NO. 1:16-CV-258

AGREED MOTION FOR REMAND

COMES NOW, the Plaintiff, MURRAY MCDONALD ("MCDONALD"), by and through his undersigned counsel, and Defendant, TRAVELERS LLOYDS OF TEXAS INSURANCE COMPANY, and hereby files their Agreed Motion for Remand, and as grounds therefore states as follows:

1. On January 27, 2016, MCDONALD filed his Original Petition in the County Court At Law Number 4, Williamson County, Texas, Cause Number 16-0152-CC4 styled *Murray McDonald v. Travelers Lloyds of Texas Insurance Company*, alleging breach of contract, breach of the duty of good faith and fair dealing and violations of the Texas Insurance Code, against the Defendant TRAVELERS LLOYDS OF TEXAS INSURANCE COMPANY ("TRAVELERS").
2. On February 29, 2016, TRAVELERS filed its Notice of Removal based on diversity of citizenship.

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3. For diversity jurisdiction to be available, not only must all adverse parties in the suit be completely diverse in regards to citizenship, but the amount in controversy must exceed \$75,000.00 exclusive of interest and costs.

4. Plaintiff MCDONALD stipulates that he does not seek damages in excess of \$75,000.00 and that he shall not be entitled to a judgment in excess of that amount in any Court. *See Agreed Stipulation of Damages, attached hereto as Exhibit 1.*


5. Plaintiff MCDONALD has filed his Original Motion for Remand within thirty (30) days of TRAVELER'S filing of its Notice of Removal.

7. For the above reasons, the present action should be remanded to the County Court At Law Number 4, Williamson County, Texas.

**WHEREFORE**, the Plaintiff MURRAY MCDONALD and Defendant TRAVELER'S LLOYDS OF TEXAS INSURANCE COMPANY, respectfully request this Court to remand this case back to the County Court At Law Number 4, Williamson County, Texas and that each party shall bear its own court costs.

Respectfully submitted,

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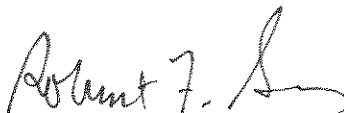
By: 

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ATTORNEY FOR PLAINTIFF

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By:   
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ATTORNEY FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing document has been e-filed with the Court and sent via facsimile to the following counsel of record in compliance with the Federal Rules of Civil Procedure this 25 day of April, 2016:

Robert F. Scheihing  
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